



MEMO ENDORSED

The sentencing is adjourned to October 13, 2020 at 11:00 a.m. Defendant's submission is due on September 22, 2020, and the Government's submission is due on September 29, 2020.

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SO ORDERED.

Paul G. Gardephe
United States District Judge
July 24, 2020

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Hon. Paul D. Gardephe, District Court Judge
United States Courthouse – SDNY (NYC)

Re: *United States v. Adel Kellel* (Dkt. 20-CR-0067) (PGG)
REQUEST FOR CONTINUANCE OF SENTENCING

Dear Judge Gardephe:

I represent the defendant in the above-referenced matter. I am writing to request a second extension of the sentencing in this matter until the end of September, including the time in which to file the Defendant Sentencing Memorandum.

Since prior to the pandemic, Mr. Kellel (a U.S. citizen) has been staying with his family in Egypt. When COVID struck, the airports all over the world were closed. Egypt just recently began allowing one direct flight each week from Cairo to J.F.K. Mr. Kellel has reserved a return flight from Cairo to J.F.K. for August 14, 2020. That was the earliest reservation he could make. He was unable able to book a stopover flight because the European airports are closed to U.S. travelers.

Because Mr. Kellel cannot leave Egypt until August 14th, I still have been unable to sit down and speak with him at length and to gather the information necessary to prepare a meaningful Defendant's Sentencing Memorandum. Without Mr. Kellel's assistance, I remain unable to locate and obtain various documents that are needed for the preparation of an effective sentencing memo.

A continuance of the sentencing would be appropriate for the additional – and perhaps most important – reason that the COVID pandemic is still spreading across the United States like wildfire. At present hundreds of prisoners in federal prisons have contracted the virus. Prisons are petri dishes for viral transmission. Mr. Kellel is 63 years old, which places him in a delicate category for morbidity, since COVIC-19 is especially onerous on the elderly. He also suffers from high cholesterol, a factor associated with heart disease, another risk for morbidity in the event of virus exposure.

These factors militate in favor of taking extraordinary precautions to prevent Mr. Kellel from acquiring COVID-19. Very little is still known about this virus, other than the fact that its outcome on the afflicted is utterly unpredictable and varies from mild to extreme – from no symptoms to death within days of acquiring the virus.

The physical safety of the defendant must be a critical consideration when sentencing a non-violent first offender to a period of incarceration. At this point we do not know how COVID-19 may spread throughout the federal correctional system. Given the *relatively* minor nature of this federal offense (without for an instant minimizing its significance), it is respectfully submitted that caution counsels to wait and see.

WHEREFORE, and for all the foregoing reasons, I respectfully request that the sentencing in this matter be postponed until at least the end of September, 2020, and grant defense counsel a new date by which to submit the Defendant Sentencing Memorandum, and such other and further relief the Court deems just and proper.

Respectfully yours,

/s/ Richard M. Langone
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Cc: AUSA JORGE ALMONE
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